

### **REMARKS**

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### **PENDING CLAIMS**

Claims 40, 42-44, 46-48, 50-52, 54 and 55-60 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 40, 42-44, 46-48, 50-52, 54 and 55-60 will be pending for further consideration and examination in the application.

### **ALLOWED CLAIM(S)**

Claim 60 has been allowed in the application, as indicated within the "Allowable Subject Matter" section on page 3 of the Office Action. Such claim has been minorly amended (e.g., to improve clarity, correct antecedents, remove extraneous portions) within this paper in a manner believed not to affect an allowability thereof. Reconsideration and renewal of the allowance are respectfully requested. Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

**NON-STATUTORY DBL PAT. REJECT. - TERMINAL DISCLAIMER FILED**

The obviousness-type double patenting rejection of claims 40, 42-44, 46-48, 50-52 and 54-55 as set forth within the "Double Patenting" section beginning on page 2 of the "Detailed Action" of the Office Action, is respectfully traversed. However, in order to travel a path of least resistance to obtaining a patent for the present application, submitted herewith is an executed Terminal Disclaimer to overcome the non-statutory double patenting rejection. As a result of the foregoing, reconsideration and withdrawal of the double patenting rejection of the subject claims are respectfully requested. The above statements, or the filing of any Terminal Disclaimer, should not be taken as an indication or admission that the rejection was valid, but is merely use of a procedural approach to obtain a patent (without prejudice or disclaimer) as quickly as possible given that the present application's patent (if being a member of a continuation family as the cited patent or application) may have coextensive term anyways as measured from the same original filing date, regardless of the Terminal Disclaimer. Further discussions/arguments concerning such rejection(s), claims and/or reference are left for the future if/when appropriate.

As a final point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's un-amended claims, then it would not be proper to make a next action final.

### **NON-REWRITTEN ALLOWABLE CLAIMS**

Although claims 56-59 have been indicated as being allowable if rewritten, as indicated within the "Allowable Subject Matter" section on page 3 of the Office Action, rewriting has not yet been effected as it is believed that any base and intervening claims will be allowed responsive to this paper. Applicant respectfully reserves the right to rewrite the potentially allowable claims at a later time if necessary, and Applicant and the undersigned respectfully thank the Examiner for such indication of potentially allowable subject matter.

### **ALL CLAIMS IN CONDITION FOR ALLOWANCE**

In view of the fact that all claims have either been already allowed and/or appear allowable in view of the Terminal Disclaimer filed to obviate any double-patenting rejection, it is respectfully submitted that all presently pending claims are now in condition for allowance. A Notice of Allowance with respect to the present application is respectfully requested.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.36100CX2) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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